

Jorge Guttlein , Esq.  
January 25, 2008  
Page 3

We also wish to remind you that Fed. R. Crim. P. 12.3(a) requires you to provide the Government with written notice if the defendant intends to claim a defense of actual or believed exercise of public authority on behalf of a law enforcement or Federal intelligence agency at the time of the alleged crime.

The Government requests a response to our Rule 12.2 and 12.3 demands within the time period allowed by the Court for the filing of motions.

Sentence Reduction for Acceptance of Responsibility


Please be advised that unless a disposition is reached on a timely basis prior to trial, this Office reserves the right to oppose the two-point reduction under the Sentencing Guidelines for acceptance of responsibility, U.S.S.G. § 3E1.1(a), in the event your client has not entered a plea of guilty sufficiently in advance of trial, and the additional one-point reduction available for defendants who plead prior to the Government's initiation of trial preparations, U.S.S.G. § 3E1.1(b)(2), if relevant, in the event your client has not entered a plea of guilty sufficiently in advance of trial.

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request. I am in receipt of your letter dated December 18, 2007 which appears to be a form request for numerous categories of information, not all of which is discoverable under Rule 16 or otherwise at this time. Please review the discovery provided with this letter and we can then discuss what items, if any, you believe still need to be addressed.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:

  
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Enclosures